

IC 6-2.1-6

Chapter 6. Withholding

Note: This chapter effective until 1-1-2003. See also preceding repeal of this article, effective 1-1-2003.

IC 6-2.1-6-1

Nonresident contractors; limitation

Note: This version of section effective until 1-1-2003. See also preceding repeal of this article, effective 1-1-2003.

Sec. 1. (a) As used in this section, "nonresident contractor" does not include a foreign corporation qualified to do business in Indiana.

(b) Except as provided in subsection (c), each calendar year each individual, firm, organization, or governmental agency of any kind who makes payments to a nonresident contractor for performance of any contract, except contracts of sale, shall withhold from such payments the amount of gross income tax owed upon the receipt of those payments under this article. When withholding the gross income tax, the withholding agent shall compute the amount owed by applying the highest rate applicable under IC 6-2.1-2 to any portion of the payments.

(c) A withholding agent who withholds gross income tax pursuant to subsection (b) may not withhold any gross income tax for the first one thousand dollars (\$1,000) paid to a nonresident contractor during a calendar year.

As added by Acts 1981, P.L.77, SEC.1.

IC 6-2.1-6-2

Improper reporting and payment of tax; powers of department

Note: This version of section effective until 1-1-2003. See also preceding repeal of this article, effective 1-1-2003.

Sec. 2. (a) Except as provided in subsection (c), the department, upon finding that a taxpayer is not properly reporting and paying the gross income tax on any gross income he receives, may require any individual, firm, organization, or governmental agency of any kind to withhold from the payments made to the taxpayer the proper amount of gross income tax owed on such payments. When withholding such gross income tax, the withholding agent shall compute the amount owed by applying the highest rate applicable to any portion of the gross income under IC 6-2.1-2.

(b) The department shall serve a written notice and demand, which contains the affected taxpayer's name, to any withholding agent whom the department wishes to withhold gross income taxes pursuant to subsection (a).

(c) A withholding agent who withholds gross income pursuant to subsection (a), may not withhold any taxes for the first one thousand dollars (\$1,000) paid to a taxpayer during a taxable year.

As added by Acts 1981, P.L.77, SEC.1.

IC 6-2.1-6-3

Repealed

(Repealed by P.L.119-1998, SEC.28.)

IC 6-2.1-6-3.1

Withholding agents; quarterly returns; filing; amount; indemnification

Note: This version of section effective until 1-1-2003. See also preceding repeal of this article, effective 1-1-2003.

Sec. 3.1. A withholding agent who is required to withhold gross income tax under section 1 or 2 of this chapter shall file a return and pay the amount of tax withheld to the department on April 20, June 20, September 20, and December 20 of each calendar year. The return shall reflect the amount withheld for each taxpayer from gross income paid to the taxpayer. The withholding agent is indemnified against the claims and demands of any individual or entity for the amount of any payment made in accordance with this section.

As added by P.L.278-1993(ss), SEC.22. Amended by P.L.119-1998, SEC.2.

IC 6-2.1-6-4

Agents; furnishing statement to taxpayer

Note: This version of section effective until 1-1-2003. See also preceding repeal of this article, effective 1-1-2003.

Sec. 4. A withholding agent who is required to withhold any tax under section 1 or 2 of this chapter from a taxpayer shall furnish, in duplicate, to the taxpayer a written statement showing the amount of gross income paid by the withholding agent to the taxpayer during the preceding calendar year and the amount of the tax deducted and withheld during that calendar year. The statement shall be furnished to the taxpayer on or before January 31 of the year immediately following the calendar year during which the tax was withheld. A taxpayer who receives a statement described in this section shall attach one (1) copy of the statement to his annual gross income tax return.

As added by Acts 1981, P.L.77, SEC.1.